

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL ROSBERG, KELLY ROSBERG,

Defendants.

8:12CR271

ORDER

Defendant Kelly Roseberg has moved to continue the trial currently set for November 26, 2012. (Filing No. 39). As explained in the motion, the defendant needs additional time to investigate this case and review discovery. Based on the showing set forth in the motion, the court finds the motion should be granted in part and denied in part. Accordingly,

IT IS ORDERED:

- 1) Defendant Kelly Roseberg's motion to continue, (filing no. 39), is granted in part and denied in part.
- 2) **As to both defendants**, the trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on January 28, 2013, or as soon thereafter as the case may be called. Jury selection will be held at commencement of trial. The motion is denied as to the defendant's request for an extension of the pretrial motion deadline.
- 3) Based upon the showing set forth in the defendant Kelly Roseberg's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and January 28, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant

additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

Dated this 19th day of November, 2012.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge